

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HOBART CORPORATION, *et al.*,

:

Plaintiffs,

v.

:

THE DAYTON POWER & LIGHT  
COMPANY, *et al.*,

:

Defendants.

Case No. 3:13-cv-115

JUDGE WALTER H. RICE

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ORDER OVERRULING WITHOUT PREJUDICE PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DR. SWIATOSLAV KACZMAR (DOC. #987), FRANKLIN IRON AND METAL CORPORATION'S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF EXNER AND WHITE (DOC. #1001) AND SECOND MOTION OF DEFENDANT FRANKLIN IRON AND METAL CORPORATION FOR SUMMARY JUDGMENT (DOC. #867)

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Given the ongoing settlement discussions between Plaintiffs and Defendant Franklin Iron and Metal Corporation ("FI&M"), the parties have asked the Court, on several occasions, to reserve ruling on their pending motions. The Court therefore OVERRULES the following motions WITHOUT PREJUDICE to re-filing should the parties fail to reach a settlement agreement:

- (1) Plaintiffs' Motion in Limine to Exclude Testimony of Dr. Swiatoslav Kaczmar, Doc. #987;
- (2) Franklin Iron and Metal Corporation's Motion in Limine to Exclude Expert Testimony of Exner and White, Doc. #1001; and
- (3) Second Motion of Franklin Iron and Metal Corporation for Summary Judgment, Doc. #867.

Date: September 23, 2019



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE